

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

REVISED STANDING ORDER
OF JUDGE GETTLEMAN
REGARDING MOTION PRACTICE, DISCLOSURES, BRIEFS
AND PROTECTIVE ORDERS IN CIVIL CASES

Until further order of court, all motions filed in cases assigned to Judge Gettleman will conform to the following rules and guidelines:

1. MOTIONS

A. Motions will be heard at 9:15 a.m. Tuesdays, Wednesdays and Thursdays in Courtroom 1703.

B. Unless otherwise ordered, all motions, responses to motions, supporting documents, and all other motion papers shall be filed **in chambers** (Room 1788) (an original and one copy) at least **three** business days in advance of the date the motion is to be heard. Motions must be served three business days before the motion is to be heard if served personally or by fax, or five business days in advance if served by mail.

C. For “routine” motions, (e.g., leave to file amended pleadings, motions for extensions of time, and motions that do not require briefing schedules) moving counsel should check with the minute clerk, George Schwemin (435-5544), the day before the motion is set to determine if there is a need to appear personally. The court will attempt to rule on uncontested routine motions without requiring counsel to appear. If no appearance is required, moving counsel must so notify respondent's counsel; failure to do

so may result in the award of fees to responding counsel who have appeared unnecessarily.

If in connection with any such otherwise "routine" motion moving counsel is aware there will be an objection, this should be noted in the body of the motion. If the respondent intends to object to such a motion that does not note the objection, respondent's counsel should so inform movant's counsel and the court's minute clerk by 5:00 p.m. of the second business day preceding the day the motion is to be heard.

D. Unless approved in advance by the court, the court will not accept for filing: (a) telefaxed motions or briefs; (b) motions without the additional copy required by paragraph 1(B) above; or (c) motions without a proper notice of motion. Notices of filing are not necessary or desired so long as a certificate of service is attached to the motion or brief.

E. Motions for Orders of Default, Default Judgment and Mortgage

Foreclosure: All such motions must be verified and recite the date each party was served, the date all appearances were due and all other facts supporting the motion for default. All such motions and notices thereof must be mailed to or otherwise served on each party at his, her or its last known address.

F. When a case is set for a status conference, any party may, within the time periods and in the manner set forth above, file a motion to be heard at the time of the status conference.

2. DISCOVERY MOTIONS

A. Civil discovery motions shall not be heard without a statement pursuant to Local Rule 37.2 and Fed. R. Civ. P. 37(a)(1)(A). In addition, no party shall serve on any other party more than twenty (20) interrogatories in the aggregate without leave of court, in strict compliance with the provisions of Local Rule 5.2(c).

3. EXPERT WITNESS DISCLOSURES AND MOTIONS

A. Disclosures regarding experts' opinions, the basis and supporting data, information and exhibits, qualifications, fees, and other cases in which the expert has testified in the last four years are automatically required by Fed. R. Civ. P. 26(a)(2).

B. Expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be made no later than sixty (60) days before the discovery cut-off date, unless otherwise ordered. Rebuttal information required by Fed. R. Civ. P. 26(a)(2) must be provided no later than thirty (30) days before the discovery cut-off date, unless otherwise ordered.

C. Compliance with Fed. R. Civ. P. 26(a)(2) is required before an expert may be designated as a trial witness in the final pretrial order.

D. Any motions concerning expert qualifications filed pursuant to Daubert v. Merrill Dow Pharmaceuticals, 509 U.S. 579 (1993), and its progeny, shall be filed at least sixty (60) days prior to trial, or ten (10) days prior to the discovery cut-off date, whichever is earlier.

4. MEMORANDA OF LAW (Briefs)

A. The fifteen (15) page limitation on all memoranda shall be strictly enforced.

Briefs that use nonstandard typeface, spacing or excessive footnotes to avoid this limitation will be stricken by the court. Motions to file briefs exceeding the fifteen (15) page limit are looked upon with disfavor and shall not be granted except in unusual circumstances.

B. Copies of the following authorities must also be included: Bankruptcy Reporter; Code of Federal Regulations; and the Congressional Record (including reports of congressional committees and House or Senate debate).

C. All briefs, memoranda, exhibits, or other material left with the court longer than thirty (30) days after a ruling has been issued will be discarded without further notice. (This does not include original documents or exhibits filed with the Clerk of the Court.)

4. PROTECTIVE ORDERS

In light of the holding in Jepson, Inc. v. Makita Elec. Works, Ltd., 30 F.3d 854, 858-59 (7th Cir. 1994), with respect to protective orders:

A. All material sought to be protected should be described in sufficient detail to justify such protection (e.g., "trade secrets," "personnel files," etc.). Parties should not be given total discretion to mark whatever material they choose to be protected or kept confidential.

B. This court will not require the inclusion of an express finding of good cause in such orders. Instead it will review such orders with care and in detail before signing

them. Its issuance of the protective order in the light of this Standing Order will constitute its determination, as required by Fed. R. Civ. P. 26(c), that good cause existed for such issuance.

C. Issuance of any protective order will not, however, be given binding effect as a determination of good cause for Fed. R. Civ. P. 26(c) purposes if at any future time either party moves for relief from the limitations of the protective order. At that time this court will engage in an appropriate balancing of the interests between privacy and public access in order to make a new determination of good cause in light of the facts then before this Court (see Jepson, 30 F.3d at 859).

D. Whenever parties are contemplating their entry into a protective order that includes the possibility that documents that are designated as "Confidential" or that are otherwise subject to limited disclosure ("restricted documents" within the meaning of this District Court's LR 26.2(a)) may be filed in court, three special provisions must be included:

1. No filing under seal, or any other designation as a restricted document, is to be permitted without previously-obtained court approval (see Citizens First Nat'l Bank v. Cincinnati Ins. Co., 178 F.3d 943 (7th Cir. 1999)).

2. After the case is closed in the District Court (this requirement differs from LR 26.2(e), which speaks of the case's "final disposition including appeals"), the parties may obtain the return of any previously-sealed or previously-restricted documents by a motion filed within a specified time period after the case is closed. Counsel are free to agree on that specified time period, but they should not designate more than a 63-day period. Any documents that are not so withdrawn will become part of the public case file, and the protective order must so provide.

3. If the protective order contains any provision that would permit its amendment by agreement of the parties without requiring court approval, that power of amendment cannot extend to the subjects covered in paragraphs 1 and 2.

Dated: August 24, 2004

ENTER:

Robert W. Gettleman
United States District Judge